

Synopsis of State Open Meetings Law

The central purpose of the State Open Meetings Law is that public business must be performed in an open and public manner. As a general rule, every meeting is open unless the Council or a Committee has a specific, legally recognized reason to close it.

The Open Meetings Law applies to any meeting of a quorum of a public body at which public business is considered or transacted. The conduct of public business includes any part of an active deliberative process, not just the final decision. A public body includes Committees, as established in the Council Rules. In our context, a quorum is:

5 members of the Council; or
2 members of a Committee (assuming a 3-member Committee).

When 2 members of a Committee are present outside of a "convened meeting," the Open Meetings Law requirements apply only when matters that have or could come before that Committee are discussed.

When a quorum is present outside of an official meeting of the Council or a Committee for the sole purpose of receiving information, that situation would generally not be subject to the Open Meetings Law. However, the Open Meetings Law could apply if the session:

deals with a proposed or pending matter; AND
was convened by the Chair or a majority of the body.

The Open Meetings Law does not apply to "a chance encounter, social gathering, or other occasion not intended to circumvent" the law.

The Open Meetings Law requires:

public notice; and
minutes.

The Law permits a public body to meet in a closed session for any of fourteen reasons enumerated in Maryland Annotated Code, State Government Article, Section 10-508(a). A public body may meet in closed session or adjourn an open session to a closed session only to:

- discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- protect the privacy or reputation of individuals with respect to a matter that is not related to public business;
- consider the acquisition of real property for a public purpose;

- consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- consider the investment of public funds;
- consider the marketing of public securities;
- consult with counsel to obtain legal advice;
- consult with staff, consultants, or other individuals about pending or potential litigation;
- conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- discuss public security - if the Council determines that public discussion would constitute a risk to the public, including the deployment of fire and police services and the development and implementation of emergency plans;
- prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; or
- before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

The requirements for a closed session are:

public notice, including the reason for closing the session; and
a list of the topics to be discussed; and
minutes.

A recorded vote must be taken before convening any closed session or closing an open session.